



KIENBAUM | HARDY
VIVIANO | PELTON | FORREST

EXHIBIT F

Scott R. Murphy
Suite 400
Birmingham, MI 48009
248.645.0000

48 S. Main Street
Suite 2
Mt. Clemens, MI 48043
586.469.1580
www.khvpf.com

August 6, 2024

Via Email & U.S. Mail

Scott R. Murphy
Anthony C. Sallah
Barnes & Thornburg LLP
171 Monroe Ave., N.W., Ste. 1000
Grand Rapids, MI 48905
smurphy@btlaw.com
asallah@btlaw.com

***Re: GLS Leasco, Inc. et al. v Navistar, Inc.
Case No. 23-cv-12927***

Scott:

I am writing to respond to Navistar's July 26, 2024 letter regarding the alleged deficiencies in GLS's discovery responses. As explained below, GLS has made a good faith effort to collect and review potentially relevant information and, subject to the objections it asserted in its responses to Navistar's discovery requests, it has produced all responsive non-privileged documents. We are available to discuss any remaining concerns on August 8 and 9 and the morning of August 12 and 13.

I. Interrogatories

Interrogatory No. 4: GLS is in the process of compiling a file containing, for each of the MY2018 tractors that were subject to the No-Trade Agreement, (1) the VIN; (2) the sale price; and (3) the date of the sale. GLS will provide this file promptly. Furthermore, GLS's expert disclosures will include the requested information regarding the appraised value of the tractors and the amount that GLS contends it lost on the sales due to Navistar's alleged breach. With respect to the underlying documents evidencing the sale price and date of sale, GLS has already produced all such documents from the files of the custodians listed in Exhibit A.

Interrogatory No. 6: GLS's expert disclosures will include the requested information and will be provided in accordance with the deadline for expert disclosures in the Case Management and Scheduling Order (Dkt. 13).

II. Requests for Production

Scott R. Murphy
Anthony C. Sallah
August 6, 2024
Page 2

Request for Production No. 7: As an initial matter, GLS notes that Navistar should already possess all relevant documents regarding the “supply chain shortages and/or issues” that it experienced from 2020 to 2023. To the extent that *GLS* possesses any information related to *Navistar*’s supply chain problems, that information would be contained in GLS’s communications with Navistar, Summit Truck Group, or Allegiance Trucks regarding the July 2021 and April 2022 Letter Agreements, and GLS has already produced those communications.

Request for Production No. 13: As GLS indicated in its response to this Request, the term “production environment for the trucks” is vague and ambiguous. To the extent that “production environment” refers to or encompasses supply chain issues, please see GLS’s response above. If it does not, please explain what “production environment” means so that GLS can respond appropriately.

Response for Production No. 22: Because this Request was, in large part, duplicative of Request Nos. 18, 19, and 20, GLS incorporated its responses and objections to those Requests by reference, which is perfectly appropriate. Moreover, GLS has already produced all emails supporting its damages calculations, will soon supplement its answer to Interrogatory No. 4 with data showing the sale price of the MY2018 tractors that were subject to the No-Trade Agreement, and will provide an expert report detailing its damages calculations and the bases for those calculations.

Response for Production No. 25: GLS has already produced all non-privileged documents responsive to this Request. Neither GLS nor its affiliated entities submitted orders to Navistar for the MY2023 tractors at issue, so there are no such documents in its possession, custody, or control.

Request for Production No. 27: Again, given the duplicative nature of this Request, it was logical for GLS to incorporate by reference its responses and objections to other, overlapping Requests. Furthermore, GLS has already produced all non-privileged documents responsive to this Request.

GLS has fully complied with its discovery obligations and has diligently identified, collected, reviewed, and produced responsive, non-privileged documents and information. Exhibit A lists all of the custodians from whom GLS reviewed documents, as well as the search terms that it used to cull the review universe and identify potentially responsive documents. We can confirm that, subject to its objections, GLS has produced all non-privileged documents from these custodians that hit on one of the search terms and were responsive to Request Nos. 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 26, 28, or 29.

Navistar’s suspicion that GLS’s production is incomplete is thus wholly unfounded. It is unsurprising that GLS – which has far fewer employees, most of whom work in close proximity – has less email traffic than Navistar. In addition, the claims in this case are based primarily on Navistar’s actions, not GLS’s, so it follows that Navistar would possess many of the relevant

Scott R. Murphy
Anthony C. Sallah
August 6, 2024
Page 3

documents. If Navistar has evidence that GLS has omitted or overlooked a specific category of documents or information, please provide it so that we may have a more fulsome discussion.

Please let me know when you are available to speak on August 8, 9, 12, or 13.

Very truly yours,

/s/ Eric J. Pelton

Eric J. Pelton

EJP/mrb

cc: Joseph E. Viviano
Thomas J. Davis
Marianne J. Grano

EXHIBIT A

CUSTODIANS

- Kyle Blain
- Brianne Perkins
- Joe Hanvey
- Nick Schmalenberg
- Jay Mason

SEARCH TERMS

* represents a multi-character wildcard.

- Navistar w/10 (agreement OR “request for pricing”)
- (Navistar OR Summit OR Rush OR Allegiance) AND (deliver* w/10 schedul*)
- (Navistar OR Summit OR Rush OR Allegiance) AND (deliver* w/10 (late OR delay*))
- International AND (offer* w/10 (2018 OR MY2018 OR MY18))
- International AND (pric* w/10 (2018 OR MY2018 OR MY18))
- International AND (drop* w/10 (2018 OR MY2018 OR MY18))
- International AND (sell* w/10 (2018 OR MY2018 OR MY18))
- International AND wholesale AND (2018 OR MY2018 OR MY18)
- International AND auction* AND (2018 OR MY2018 OR MY18)
- International AND (used w/3 market)
- “build schedule”
- “@navistar.com” AND (residual* OR “used truck” OR “used trucks” OR “used tractor” OR “used tractors”)